

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.: 2007-1839-AIR-E TCEQ ID: RN100825272 CASE NO.: 34944**  
**RESPONDENT NAME: ISP Technologies Inc.**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

**SITE WHERE VIOLATION(S) OCCURRED:** ISP Technologies Texas City Plant, 4501 Attwater Avenue, Texas City, Galveston County

**TYPE OF OPERATION:** Chemical manufacturing plant

**SMALL BUSINESS:** ☐ Yes ☒ No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2008-0217-AIR-E.

**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on June 2, 2008. No comments were received.

**CONTACTS AND MAILING LIST:**  
**TCEQ Attorney/SEP Coordinator:** None  
**TCEQ Enforcement Coordinator:** Mr. James Nolan, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6634; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  
**Respondent:** Ms. Christina Penrose, Environmental Supervisor, ISP Technologies Inc., 4501 Attwater Avenue, Texas City, Texas 77590  
 Mr. Jay Bizarro, Site General Manager, ISP Technologies Inc., 4501 Attwater Avenue, Texas City, Texas 77590  
**Respondent's Attorney:** Not represented by counsel on this enforcement matter

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> September 6 and October 23, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> October 25 and November 16, 2007 (NOE)</p> <p><b>Background Facts:</b> These were routine investigations.</p> <p><b>AIR</b></p> <p>1) Failed to prevent unauthorized emissions. Specifically, operator error resulted in the release of 3,196 pounds of N-methyl-2-pyrrolidone ("NMP") from the NMP Reactor over a 45-minute period on July 13, 2007. Since the emission event was avoidable, the demonstrations for affirmative defense in 30 TEX. ADMIN CODE § 101.222 were not met [30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit 55847, Special Condition 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failed to prevent unauthorized emissions. Specifically, operator error resulted in the release of 8,500 pounds of ethanol from the B Reactor in the Poly-vinylpyrrolidone ("PVP") Unit over a five hour and 30 minute period on September 23, 2007. Since the emission event was avoidable, the demonstrations for affirmative defense in 30 TEX. ADMIN CODE § 101.222 were not met [30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit 22079, Special Condition 1, and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$14,000</p> <p><b>Total Deferred:</b> \$2,800  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$11,200</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>1) The NMP Reactor maintenance work procedures were revised to re-align the process valve to the pressure transmitter when work is complete on September 25, 2007; and</p> <p>b. Operators of the PVP Unit were provided extended training time regarding batch procedures on October 18, 2007 to prevent the reoccurrence of similar events.</p>

Additional ID No(s): GB0028U



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

DATES

Assigned

29-Oct-2007

PCW

18-Dec-2007

Screening

6-Nov-2007

EPA Due

29-Apr-2008

## RESPONDENT/FACILITY INFORMATION

Respondent ISP Technologies Inc.

Reg. Ent. Ref. No. RN100825272

Facility/Site Region 12-Houston

Major/Minor Source Major

## CASE INFORMATION

Enf./Case ID No. 34944

Docket No. 2007-1839-AIR-E

Media Program(s) Air

Multi-Media

No. of Violations 2

Order Type 1660

Enf. Coordinator James Nolan

EC's Team Enforcement Team 4

Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

## Penalty Calculation Section

### TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$10,000

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

65% Enhancement

Subtotals 2, 3, &amp; 7

\$6,500

Notes

Penalty enhancement due to eight similar NOV's, three nonsimilar NOV's, and one previous 1660 order. Penalty reduction due to one Notice of Environmental Audit.

Culpability

No

0% Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

25% Reduction

Subtotal 5

\$2,500

Before NOV

NOV to EDP RP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent achieved compliance by October 18, 2007.

0% Enhancement\*

Subtotal 6

\$0

Total EB Amounts \$14

Approx. Cost of Compliance \$2,000

\*Capped at the Total EB \$ Amount

### SUM OF SUBTOTALS 1-7

Final Subtotal

\$14,000

### OTHER FACTORS AS JUSTICE MAY REQUIRE

0%

Adjustment

\$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

\$14,000

### STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$14,000

### DEFERRAL

20%

Reduction

Adjustment

-\$2,800

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

### PAYABLE PENALTY

\$11,200

Screening Date 6-Nov-2007

Docket No. 2007-1839-AIR-E

PCW

Respondent ISP Technologies Inc.

Policy Revision 2 (September 2002)

Case ID No. 34944

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100825272

Media [Statute] Air

Enf. Coordinator James Nolan

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	8	40%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 65%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Penalty enhancement due to eight similar NOVs, three nonsimilar NOVs, and one previous 1660 order.  
 Penalty reduction due to one Notice of Environmental Audit.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 65%

<b>Screening Date</b> 6-Nov-2007		<b>Docket No.</b> 2007-1839-AIR-E		<b>PCW</b>		
<b>Respondent</b> ISP Technologies Inc.		<i>Policy Revision 2 (September 2002)</i>				
<b>Case ID No.</b> 34944		<i>PCW Revision November 6, 2007</i>				
<b>Reg. Ent. Reference No.</b> RN100825272						
<b>Media [Statute]</b> Air						
<b>Enf. Coordinator</b> James Nolan						
<b>Violation Number</b>		<div style="border: 1px solid black; width: 50px; text-align: center;">1</div>				
<b>Rule Cite(s)</b>		<div style="border: 1px solid black; padding: 5px;">30 Tex. Admin. Code § 116.115(c), New Source Review Permit 55847 Special Condition 1, and Tex. Health &amp; Safety Code § 382.085(b)</div>				
<b>Violation Description</b>		<div style="border: 1px solid black; padding: 5px;">Failed to prevent unauthorized emissions, as determined during an investigation 09/06/2007. Specifically, operator error resulted in the release of 3,196 pounds of N-methyl-2-pyrrolidone from the NMP Reactor over a 45-minute period on 07/13/2007. Since the emission event was avoidable, the demonstrations for affirmative defense in 30 Tex. Admin Code § 101.222 were not met.</div>				
<b>Base Penalty</b>					<div style="border: 1px solid black; width: 100px; text-align: right;">\$10,000</div>	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>						
OR	<b>Release</b>		<b>Harm</b>		<b>Percent</b>	
			Major	Moderate		Minor
	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	x	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
Potential	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
<b>&gt;&gt; Programmatic Matrix</b>						
	Falsification	Major	Moderate	Minor	<b>Percent</b>	
	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
<b>Matrix Notes</b>	<div style="border: 1px solid black; padding: 5px;">Human health or the environment was exposed to significant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.</div>					
<b>Adjustment</b>					<div style="border: 1px solid black; width: 100px; text-align: right;">\$5,000</div>	
<div style="border: 1px solid black; width: 100px; text-align: right;">\$5,000</div>						
<b>Violation Events</b>						
<b>Number of Violation Events</b>		<div style="border: 1px solid black; width: 50px; text-align: center;">1</div>	<b>Number of violation days</b>			
		<div style="border: 1px solid black; width: 50px; text-align: center;">1</div>				
<i>mark only one with an x</i>	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<b>Violation Base Penalty</b>			
	monthly	x				
	quarterly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	single event	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
<div style="border: 1px solid black; padding: 5px; text-align: center;">One monthly event is recommended.</div>						
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b>		<div style="border: 1px solid black; width: 100px; text-align: right;">\$10</div>	<b>Violation Final Penalty Total</b>		<div style="border: 1px solid black; width: 100px; text-align: right;">\$7,000</div>	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>					<div style="border: 1px solid black; width: 100px; text-align: right;">\$7,000</div>	

**Economic Benefit Worksheet****Respondent** ISP Technologies Inc.**Case ID No.** 34944**Reg. Ent. Reference No.** RN100825272**Media** Air**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,000	13-Jul-2007	25-Sep-2007	0.2	\$10	n/a	\$10
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs for additional oversight and proper management practices designed to ensure proper maintenance of plant equipment. Date required is the date of the release. Final date is the date policies and procedures were modified.

**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$10

Screening Date 6-Nov-2007

Docket No. 2007-1839-AIR-E

PCW

Respondent ISP Technologies Inc.

Policy Revision 2 (September 2002)

Case ID No. 34944

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN100825272

Media [Statute] Air

Enf. Coordinator James Nolan

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), New Source Review Permit 22079 Special Condition 1, and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions, as determined during an investigation 10/23/2007. Specifically, operator error resulted in the release of 8,500 pounds of ethanol from the PVP unit over a five hour and 30 minute period on 09/23/2007. Since the emission event was avoidable, the demonstrations for affirmative defense in 30 Tex. Admin Code § 101.222 were not met.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment was exposed to significant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment \$5,000

\$5,000

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

One monthly event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$7,000

This violation Final Assessed Penalty (adjusted for limits) \$7,000

**Economic Benefit Worksheet****Respondent** ISP Technologies Inc.**Case ID No.** 34944**Reg. Ent. Reference No.** RN100825272**Media** Air**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,000	23-Sep-2007	18-Oct-2007	0.1	\$3	n/a	\$3
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated costs for additional oversight and proper management practices designed to ensure proper maintenance of plant equipment. Date required is the date of the release. Final date is the date extended training was held for all operators of the PVP Unit.

**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs****Approx. Cost of Compliance**

\$1,000

**TOTAL**

\$3



## Compliance History

Customer/Respondent/Owner-Operator:	CN600505580	ISP Technologies Inc.	Classification: AVERAGE	Rating: 1.95
Regulated Entity:	RN100825272	ISP TECHNOLOGIES TEXAS CITY PLANT	Classification: AVERAGE	Site Rating: 1.96
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	GB0028U	
	AIR OPERATING PERMITS	PERMIT	1592	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD044452324	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30037	
	INDUSTRIAL AND HAZARDOUS WASTE STORAGE	PERMIT	50389	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW034	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW114	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW113	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW299	
	AIR NEW SOURCE PERMITS	PERMIT	50129	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	GB0028U	
	AIR NEW SOURCE PERMITS	PERMIT	1795	
	AIR NEW SOURCE PERMITS	PERMIT	10583	
	AIR NEW SOURCE PERMITS	PERMIT	12813	
	AIR NEW SOURCE PERMITS	PERMIT	6918A	
	AIR NEW SOURCE PERMITS	PERMIT	7121A	
	AIR NEW SOURCE PERMITS	PERMIT	20088	
	AIR NEW SOURCE PERMITS	PERMIT	22079	
	AIR NEW SOURCE PERMITS	PERMIT	30744	
	AIR NEW SOURCE PERMITS	PERMIT	35466	
	AIR NEW SOURCE PERMITS	PERMIT	39163	
	AIR NEW SOURCE PERMITS	PERMIT	42271	
	AIR NEW SOURCE PERMITS	PERMIT	44467	
	AIR NEW SOURCE PERMITS	PERMIT	44593	
	AIR NEW SOURCE PERMITS	PERMIT	44609	
	AIR NEW SOURCE PERMITS	PERMIT	44893	
	AIR NEW SOURCE PERMITS	PERMIT	46699	
	AIR NEW SOURCE PERMITS	PERMIT	47430	
	AIR NEW SOURCE PERMITS	PERMIT	47811	
	AIR NEW SOURCE PERMITS	PERMIT	48145	
	AIR NEW SOURCE PERMITS	PERMIT	48248	
	AIR NEW SOURCE PERMITS	PERMIT	48631	
	AIR NEW SOURCE PERMITS	PERMIT	48660	
	AIR NEW SOURCE PERMITS	PERMIT	49865	
	AIR NEW SOURCE PERMITS	AFS NUM	4816700003	
	AIR NEW SOURCE PERMITS	REGISTRATION	75593	
	AIR NEW SOURCE PERMITS	REGISTRATION	75510	
	AIR NEW SOURCE PERMITS	PERMIT	55847	
	AIR NEW SOURCE PERMITS	REGISTRATION	56841	
	AIR NEW SOURCE PERMITS	PERMIT	56618	
	AIR NEW SOURCE PERMITS	PERMIT	56632	
	AIR NEW SOURCE PERMITS	REGISTRATION	71570	
	AIR NEW SOURCE PERMITS	REGISTRATION	71136	
	AIR NEW SOURCE PERMITS	PERMIT	54635	
	AIR NEW SOURCE PERMITS	REGISTRATION	71769	
	AIR NEW SOURCE PERMITS	REGISTRATION	72546	
	AIR NEW SOURCE PERMITS	PERMIT	72872	
	AIR NEW SOURCE PERMITS	REGISTRATION	74026	
	AIR NEW SOURCE PERMITS	PERMIT	73717	
	AIR NEW SOURCE PERMITS	PERMIT	74486	
	AIR NEW SOURCE PERMITS	REGISTRATION	77635	
	AIR NEW SOURCE PERMITS	REGISTRATION	76692	
	AIR NEW SOURCE PERMITS	REGISTRATION	78465	
	AIR NEW SOURCE PERMITS	REGISTRATION	78477	
	AIR NEW SOURCE PERMITS	PERMIT	81157	
	AIR NEW SOURCE PERMITS	REGISTRATION	79363	
	AIR NEW SOURCE PERMITS	REGISTRATION	79138	
	AIR NEW SOURCE PERMITS	REGISTRATION	80456	
	AIR NEW SOURCE PERMITS	REGISTRATION	81119	
	AIR NEW SOURCE PERMITS	REGISTRATION	81295	
	AIR NEW SOURCE PERMITS	REGISTRATION	81983	
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30037	
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50389	

POST CLOSURE  
STORMWATER PERMIT  
4501 ATTWATER AVE, TEXAS CITY, TX, 77590

TXR05M493

Location: Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON  
Date Compliance History Prepared: November 06, 2007  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: November 06, 2002 to November 06, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: James Nolan Phone: (512) 239-6634

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the state of Texas and the federal government.

Effective Date: 11/06/2005

ADMINORDER 2005-0468-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Air Permit #20088, SC#1 PERMIT

Description: Failed to comply with emissions limits stated in the Maximum Allowable Emissions Rate table.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	01/17/2003	(17077)
2	02/26/2003	(26206)
3	02/26/2003	(26209)
4	02/26/2003	(26188)
5	02/26/2003	(26202)
6	03/01/2003	(25221)
7	03/01/2003	(25299)
8	03/01/2003	(25283)
9	03/01/2003	(25266)
10	03/28/2003	(29002)
11	03/28/2003	(28384)
12	03/28/2003	(28442)
13	03/28/2003	(28445)
14	05/02/2003	(27551)
15	05/12/2003	(36299)
16	05/20/2003	(37953)
17	05/20/2003	(37952)
18	08/26/2003	(119365)
19	01/26/2004	(260022)
20	02/06/2004	(261156)
21	03/04/2004	(263855)
22	03/04/2004	(263871)
23	03/04/2004	(263895)
24	03/05/2004	(252620)
25	03/10/2004	(264965)
26	03/22/2004	(265920)
27	03/26/2004	(265532)

28	03/26/2004	(265537)
29	03/26/2004	(265529)
30	03/26/2004	(265542)
31	04/16/2004	(266625)
32	04/16/2004	(266591)
33	05/03/2004	(269985)
34	05/03/2004	(269980)
35	05/03/2004	(269956)
36	05/21/2004	(272704)
37	08/31/2004	(270442)
38	11/18/2004	(341530)
39	11/22/2004	(339091)
40	01/10/2005	(342232)
41	02/10/2005	(348498)
42	02/18/2005	(346722)
43	02/23/2005	(351161)
44	02/23/2005	(351156)
45	02/23/2005	(351150)
46	03/22/2005	(372649)
47	03/30/2005	(373547)
48	03/30/2005	(373543)
49	03/30/2005	(373542)
50	03/30/2005	(373532)
51	05/16/2005	(379610)
52	05/16/2005	(379614)
53	05/24/2005	(379117)
54	05/24/2005	(379134)
55	05/24/2005	(379123)
56	08/27/2005	(399072)
57	10/05/2005	(432711)
58	01/23/2006	(451843)
59	03/10/2006	(456590)
60	03/10/2006	(456751)
61	03/10/2006	(456594)
62	03/10/2006	(453284)
63	04/04/2006	(458179)
64	04/04/2006	(458184)
65	04/04/2006	(458182)
66	04/07/2006	(454670)
67	04/17/2006	(459944)
68	04/17/2006	(459905)
69	04/17/2006	(459941)
70	04/17/2006	(459942)
71	05/12/2006	(463098)
72	05/12/2006	(463099)
73	05/12/2006	(463102)
74	07/05/2006	(462390)
75	08/07/2006	(459888)
76	08/29/2006	(456599)
77	09/07/2006	(487830)
78	10/16/2006	(511647)
79	10/16/2006	(511635)
80	01/04/2007	(533630)
81	01/10/2007	(534920)
82	01/16/2007	(531454)
83	01/30/2007	(537480)
84	01/31/2007	(534825)
85	02/28/2007	(539514)
86	04/05/2007	(556103)
87	04/12/2007	(553962)
88	04/12/2007	(543323)
89	04/12/2007	(553965)
90	04/12/2007	(543315)
91	04/12/2007	(553959)
92	04/12/2007	(543334)
93	04/12/2007	(553961)
94	04/16/2007	(542049)
95	04/25/2007	(554932)
96	05/14/2007	(559039)

97 05/14/2007 (559044)  
 98 05/14/2007 (559042)  
 99 05/16/2007 (556056)  
 100 08/17/2007 (568701)  
 101 10/25/2007 (597576)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	05/06/2003	(27551)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)			
Rqmt Prov:	PERMIT 46956			
Description:	Failure to operate spray dryer in such a manner such that the permit allowable PM emission rate is not exceeded. This constitutes a violation of Texas Administrative Code Title 30 Chapter 116.115(b)(2)(G).			
Date:	08/26/2003	(119365)		
Self Report?	NO		Classification	Moderate
Citation:	40 CFR Chapter 270, SubChapter I, PT 270, SubPT C 270.30(a)			
Rqmt Prov:	PERMIT VI.B(1)(b)			
Description:	The installation of seven (7) new monitor wells (MW-7LF through MW-13 LF) occurred in December 2002. The allowed screened interval was 15 feet. All wells exceeded that screen length.			
Date:	08/27/2005	(399072)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Rqmt Prov:	PERMIT TCEQ Air Permit #22079 SC 7			
Description:	During the investigation on July 6, 2005, it was documented that ISP failed to use the PVP VOC Scrubber to remove VOC emissions from bulk loading of alcohol based products.			
Date:	08/30/2005	(399072)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Description:	During the investigation on July 6, 2005, it was documented that ISP failed to route NH4OH Tank T162/3211 to scrubber 162/3400 during NH4OH production.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Description:	During the investigation on July 6, 2005, it was documented that ISP failed to maintain proper flow rates from the scrubber recirculation and make-up water in the PVP VOC Scrubber.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)			
Description:	During the investigation on July 6, 2005, it was documented that ISP exceeded the Maximum Allowable Emissions Rate Table (MAERT) allowances for TCEQ Air Permit 22079, Permit 20088 and Permit 71570.			
Self Report?	NO		Classification	Major
Citation:	30 TAC Chapter 116, SubChapter B 116.110			
Description:	During the investigation on July 6, 2005, it was documented that ISP has failed to obtain prior authorization for emissions generated by pressuring up transportation vessels in order to facilitate unloading and then venting pressure to the atmosphere, and for Dry Abrasive blasting.			
Date:	07/05/2006	(462390)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Rqmt Prov:	PERMIT TCEQ Air Permit #22079 SC 9			
Description:	Failed to use the PVP VOC Scrubber to remove VOC emissions			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Rqmt Prov:	PERMIT TCEQ Air Permit #22079 SC 9			
Description:	Failed to maintain daily Scrubber records for for two years as required			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Rqmt Prov:	PERMIT TCEQ Air Permit #22079 SC 8			
Description:	Failed to maintain spray dryer recirculation water pressure as required			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Rqmt Prov:	PERMIT TCEQ Air Permit #22079 SC 8			
Description:	Failed to maintain spray dryer differential pressure as required			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)			
Rqmt Prov:	PERMIT TCEQ Air Permit #22079 SC 5			
Description:	Failed to require that loading emission from filling the vinyl acetate storage tank be controlled by a vapor balance return line			

Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)		
Description:	Failed to maintain daily notations		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit # 55847 SC 5 PERMIT TCEQ Air Permit # 56624 SC 4E PERMIT TCEQ Air Permit #20088 SC 5		
Description:	Failed to maintain open-ended-lines as required		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)		
Description:	Failed to complete final reports for non-reportable upsets		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.146(2)		
Description:	Failed to submit compliance certification to the EPA Administrator		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 117, SubChapter B 117.205(f)(1)		
Description:	Failed to limit CO emissions as required		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit #56632 SC 7		
Description:	Failed to monitor cooling tower water as required		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit #22079 SC 9		
Description:	Failed to maintain scrubber recirculation rate as required		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit #22079 SC 10C		
Description:	Failed to maintain NH4OH batch records		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit #22079 SC 10H		
Description:	Failed to maintain NH4OH batch records as required		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit # 20088 SC 6 PERMIT TCEQ Air Permit # 22079 SC 12 PERMIT TCEQ Air Permit # 55847 SC 7 PERMIT TCEQ Air Permit # 56624 SC 4 PERMIT TCEQ Air Permit # 56632 SC 4		
Description:	Failed to conduct 3rd quarter fugitive components monitoring as required		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit # 22079 SC 12I PERMIT TCEQ Air Permit # 55847 SC 7I PERMIT TCEQ AIR Permit # 56624 SC 4H		
Description:	Failed to record that leak repairs as required		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit # 20088 SC 6F PERMIT TCEQ Air Permit # 56624 SC 4F		
Description:	Failed to use the directed maintenance program as required		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit # 56632 SC 2B		
Description:	Failed to maintain tank production/throughput records as required		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit # 56632 SC 2B		
Description:	Failed to maintain tank production/throughput records as required		
Date:	08/08/2006	(459888)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT Special Condition No. 11C		
Description:	RE failed to meet the 90 day deadline for testing the ammonium hydroxide tank vent.		
Date:	10/16/2006	(511647)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	5C THC Chapter 382, SubChapter D 382.085(b)		
Rqmt Prov:	PERMIT TCEQ Air Permit #55847, SC #1		

Description: ISP failed to prevent a pinhole leak in a pipe due to corrosion.  
Date: 10/16/2006 (511635)  
Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: PERMIT TCEQ AIR PERMIT #20088, SC #1  
Description: ISP failed to properly align a valve which resulted in unauthorized emissions.  
Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
30 TAC Chapter 101, SubChapter F 101.201(b)  
Description: ISP failed to submit the initial notification and final report in a timely manner.  
Date: 01/04/2007 (533630)  
Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: OP Air Permit #20088 SC 1  
Description: TCEQ Air Permit #20088 SC 1 only authorizes emissions from those points listed in the Maximum Allowable Emission Rates table.  
Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: OP Air Permit #56632 SC 8  
Description: TCEQ Air Permit #56632 SC 8 states that the cooling water shall be sampled every seven days for total dissolved solids.  
Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 106, SubChapter T 106.452(2)(A)  
Description: 30 Tex. Admin. Code §106.452(2)(A) states that outside blast cleaning abrasive usage rate shall not exceed 150 tons per year, 15 tons per month, and one ton per day.  
Self Report? NO Classification Minor  
Citation: 30 TAC Chapter 117, SubChapter B 117.219(f)(10)  
Description: 30 TAC §117.219(f)(10) states that for each stationary diesel or dual-fuel engine in the Houston/Galveston ozone nonattainment area, records shall be maintained for each time the engine is operated for testing and maintenance.  
Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: PERMIT Air Permit # 7121A SC # 6  
Description: TCEQ Air Permit # 7121A SC 6 states that the tanks and loading on this permit are limited to storing the chemicals and throughputs represented in the permit application.  
Self Report? NO Classification Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: OP TCEQ Air Permit 7121A SC 6  
Description: TCEQ Air Permit # 22079 SC 10C states that records shall be kept for temperature in the ammonium hydroxide tank at the start and end of each batch operation.  
Self Report? NO Classification Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: OP TCEQ Air Permit #22079 SC 10H  
Description: TCEQ Air Permit #22079 SC 10H states that records shall be kept total pounds of NH3 charged to the tank for each batch operation.  
Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
Description: 30 TAC §101.201(a)(1)(B) states that no later than 24 hours after the discovery of an emissions event, the owner or operator of a regulated entity shall notify the commission.  
Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(1)  
Rqmt Prov: ORDER HRVOC Compliance Agreement, Condition 3  
Description: TCEQ HRVOC Compliance Agreement Condition 3 states that ISP shall conduct manual monitoring of the VP Reaction Unit cooling water return line to the No. 1 Cooling Tower for HRVOC emissions on a weekly basis.  
Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
Rqmt Prov: OP Air Permit #55632 SC 9  
Description: TCEQ Air Permit #55632 SC 9 states that emissions from the Emergency Firewater Pump are only authorized for periodic maintenance startup.  
Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(1)  
Rqmt Prov: ORDER HRVOC Compliance Agreement Condition 7  
Description: TCEQ HRVOC Compliance Agreement Condition 7 states that [the rupture discs] shall be installed by June 30, 2006.  
Date: 01/16/2007 (531454)  
Self Report? NO Classification Moderate

Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit #22079 SC 9		
Description:	Failed to use the PVP VOC Scrubber to remove VOC emissions		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit #22079 SC 9		
Description:	Failed to maintain daily Scrubber records for for two years as required		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit #22079 SC 8		
Description:	Failed to maintain spray dryer recirculation water pressure as required		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit #22079 SC 8		
Description:	Failed to maintain spray dryer differential pressure as required		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit #22079 SC 5		
Description:	Failed to require that loading emission from filling the vinyl acetate storage tank be controlled by a vapor balance return line		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)		
Description:	Failed to maintain daily notations		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit # 55847 SC 5 PERMIT TCEQ Air Permit # 56624 SC 4E PERMIT TCEQ Air Permit #20088 SC 5		
Description:	Failed to maintain open-ended-lines as required		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 101, SubChapter F 101.201(b)		
Description:	Failed to complete final reports for non-reportable upsets		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.146(2)		
Description:	Failed to submit compliance certification to the EPA Administrator		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 117, SubChapter B 117.205(f)(1)		
Description:	Failed to limit CO emissions as required		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit #56632 SC 7		
Description:	Failed to monitor cooling tower water as required		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit #22079 SC 9		
Description:	Failed to maintain scrubber recirculation rate as required		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit #22079 SC 10C		
Description:	Failed to maintain NH4OH batch records		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit #22079 SC 10H		
Description:	Failed to maintain NH4OH batch records as required		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit # 20088 SC 6 PERMIT TCEQ Air Permit # 22079 SC 12 PERMIT TCEQ Air Permit # 55847 SC 7 PERMIT TCEQ Air Permit # 56624 SC 4 PERMIT TCEQ Air Permit # 56632 SC 4		
Description:	Failed to conduct 3rd quarter fugitive components monitoring as required		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit # 22079 SC 12I PERMIT TCEQ Air Permit # 55847 SC 7I PERMIT TCEQ AIR Permit # 56624 SC 4H		
Description:	Failed to record that leak repairs as required		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit # 20088 SC 6F PERMIT TCEQ Air Permit # 56624 SC 4F		
Description:	Failed to use the directed maintenance program as required		

Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit # 56632 SC 2B		
Description:	Failed to maintain tank production/throughput records as required		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c)		
Rqmt Prov:	PERMIT TCEQ Air Permit # 56632 SC 2B		
Description:	Failed to maintain tank production/throughput records as required		
Date:	08/17/2007	(568701)	
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 335, SubChapter A 335.6(c)		
Rqmt Prov:	PERMIT Hazardous Waste Permit, HW-50389		
Description:	During the investigation and records review, it was noted that the Notice of Registration had inaccuracies that required updates.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 335, SubChapter A 335.9(a)(2)(B)		
Rqmt Prov:	PERMIT Hazardous Waste Permit, HW-50389		
Description:	The facility failed to submit 2006 annual waste summary on or before March 1, 2006.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 335, SubChapter F 335.152(a)(2)		
	40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.37(a)(1)		
	40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.37(a)(4)		
Rqmt Prov:	PERMIT Hazardous Waste Permit HW-50389		
Description:	The facility failed to make arrangements to familiarize police, fire departments and local hospitals with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 335, SubChapter Q 335.474		
Description:	During this investigation, it was found that the facility failed to update their five-year pollution prevention plan.		

F. Environmental audits.

Notice of Intent Date: 08/06/2007 (574306)  
No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
ISP TECHNOLOGIES INC.  
RN100825272**

§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1839-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ISP Technologies Inc. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at 4501 Attwater Avenue in Texas City, Galveston County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about October 30, 2007 and November 21, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fourteen Thousand Dollars (\$14,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eleven Thousand Two Hundred Dollars (\$11,200) of the administrative penalty and Two Thousand Eight Hundred Dollars (\$2,800) is deferred contingent upon the



Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. The N-methyl-2-pyrrolidone ("NMP") Reactor maintenance work procedures were revised to re-align the process valve to the pressure transmitter when work is complete on September 25, 2007; and
  - b. Operators of the Poly-vinylpyrrolidone ("PVP") Unit were provided extended training time regarding batch procedures on October 18, 2007 to prevent the reoccurrence of similar events.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit 55847, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 6, 2007. Specifically, operator error resulted in the release of 3,196 pounds of NMP from the NMP Reactor over a 45-minute period on July 13, 2007. Since the emission event was avoidable, the demonstrations for affirmative defense in 30 TEX. ADMIN CODE § 101.222 were not met.



2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit 22079, Special Condition 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 23, 2007. Specifically, operator error resulted in the release of 8,500 pounds of ethanol from the B Reactor in the PVP Unit over a five hour and 30 minute period on September 23, 2007. Since the emission event was avoidable, the demonstrations for affirmative defense in 30 TEX. ADMIN CODE § 101.222 were not met.

### **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ISP Technologies Inc., Docket No. 2007-1839-AIR-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

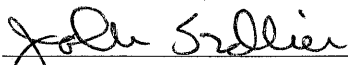
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

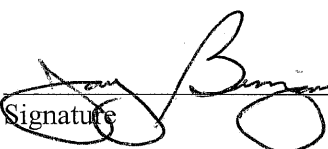
5/5/2008  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

3/12/08  
\_\_\_\_\_  
Date

Jay Bizarro  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
ISP Technologies Inc.

Site General Manager  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

